

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AMO DEVELOPMENT, LLC, )  
AMO MANUFACTURING USA, LLC, )  
and AMO SALES AND SERVICE, )  
INC., )

Plaintiffs, )

v. )

ALCON VISION, LLC, ALCON )  
LABORATORIES, INC., and ALCON )  
RESEARCH, LLC, )

Defendants. )

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ALCON, INC., ALCON RESEARCH, )  
LLC and ALCON VISION, LLC, )

Counterclaim-Plaintiffs, )

v. )

AMO DEVELOPMENT, LLC, )  
AMO MANUFACTURING USA, LLC, )  
AMO SALES AND SERVICE, INC. )  
and JOHNSON & JOHNSON )  
SURGICAL VISION, INC., )

Counterclaim-Defendants. )

**REDACTED - PUBLIC VERSION**

C.A. No. 20-842-CFC-JLH

[REDACTED]

**ALCON'S CONCISE STATEMENT OF UNDISPUTED FACTS IN  
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT (NO. 2)  
THAT ONLY AMO DEVELOPMENT, LLC IS ENTITLED  
TO ACTUAL DAMAGES**

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Dated: August 19, 2022

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1. J&J<sup>1</sup> asserts that “AMO Development owns the Asserted Copyrights (and all rights thereunder, including the right to file suit).”<sup>2</sup> D.I. 141 ¶¶55; *see also id.* ¶¶446, 451 (“AMO Development owns the Asserted Copyrights in the iFS® Laser computer programs . . . .”); *id.* ¶457 (“AMO Development owns the Asserted Copyrights in the confidential submissions made to the FDA to seek regulatory approval for the iFS® Laser and IntraLase Fusion Laser . . . .”); *id.* ¶462 (“AMO Development owns the Asserted Copyright in the IntraLase FS Laser operator’s manual.”); [REDACTED]

2. Abbott Medical Optics, Inc. acquired OptiMedica Corp. in 2013. [REDACTED]

[REDACTED] A2, OptiMedica Acquisition Press Release.

3. [REDACTED]

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<sup>1</sup> “J&J” collectively refers to AMO Development, LLC, AMO Manufacturing USA, LLC, AMO Sales and Services, Inc., and Johnson & Johnson Surgical Vision, Inc. “AMO Development” refers to AMO Development, LLC. “AMO Manufacturing” refers to AMO Manufacturing USA, LLC. “AMO Sales and Service” refers to AMO Sales and Service, Inc. “JJSV” refers to Johnson & Johnson Surgical Vision, Inc.

<sup>2</sup> “Asserted Copyrights” or “J&J Asserted Works” refers to the copyrighted works that J&J alleges are infringed. D.I. 141 ¶¶2, 33–55, 446, 451, 457, 462; *infra* ¶1.

[REDACTED]

[REDACTED]

[REDACTED]

4. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. [REDACTED]

[REDACTED]

Respectfully Submitted,

/s/ Andrew E. Russell

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**CERTIFICATE OF COMPLIANCE**

The undersigned counsel hereby certifies that Alcon's Concise Statement of Undisputed Facts in Support of its Motion for Summary Judgment (No. 2) contains 370 words excluding the cover page, tables and signature blocks, as counted by Microsoft Word, in 14-point Times New Roman font.

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**CERTIFICATE OF SERVICE**

I, Andrew E. Russell, hereby certify that on August 19, 2022, this document was served on the persons listed below in the manner indicated:

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